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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY'S DKT: HULING1C

In re Application of:	Art Unit: 1724
Scott G. HULING	Examiner: IVARS C. CINTIS
Appln. No.: 10/681,376	Washington, D.C.
Filed: October 9, 2003	Confirmation No. 6409
For: CONTAMINANT ADSORPTION AND OXIDATION VIA THE FENTON…	April 22, 2005

REPLY TO RESTRICTION REQUIREMENT AND REMARKS

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

The Office Action mailed March 25, 2005, in the nature of a requirement for restriction, has been carefully reviewed. Favorable consideration is respectfully requested.

Restriction has been required among what the Examiner considers to be two patentably distinct inventions, as follows:

a. Group I, drawn to a process for treating contaminants in a fluid, classified in class 210, subclass 668, presently comprising claims 1-13 and 19-25; and

b. Group II, drawn to a composition of matter, classified in class 502, subclass 406, presently comprising claims 14-18.

Applicant hereby elects Group I with traverse. It is respectfully submitted that the process for treating contaminants in a fluid is dependent upon the presence of the Fenton reaction, which is achieved with the composition of claims 14-18.

Applicant hereby elects the following species:

a. fluid treated species; Applicant elects gas;

b. iron species; Applicant respectfully traverses this species election requirement because the Fenton process involves redox cycling of Fe(II) oxidized to Fe(III) by hydrogen peroxide and other intermediates. Fe cycles between oxidation states until the hydrogen peroxide is depleted. In addition, Fe can be present in several different forms, including the cheated form of Fe by the functional groups on the carbon. Therefore, it is not possible to elect between Fe(II) and Fe(III), as both are part of the Fenton reaction and one cannot be eliminated therefrom.

c. Sorbent species, Applicant elects activated carbon;

d. Oxidizing agent; Applicant elects hydrogen peroxide;

e. Contaminant species; Applicant elects organic chemicals;

f. Reductant species; Applicant elects hydroxylamine.

Claims reading on the elected species include claims 1-11, 13, 19- 22, and 25.

This restriction requirement is traversed on the basis of MPEP Section 803, that **requires** that the examiner examine the application on the merits if the search and examination of an entire application can be made without serious burden, even though it includes claims to independent or distinct invention.

If the restriction requirement is maintained, it will be clear on the record that the PTO considers the groups and the species elected to be **patentably distinct** from one another *i.e., prima facie* **non-obvious** from one another. This means that a reference identical to the one group would not render the other group *prima facie* obvious.

Favorable consideration is respectfully requested.

Respectfully submitted,

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